

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13179, of Thomas and Louise Lee, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.23) and the open court width requirements (Sub-section 3306.1 and Paragraph 7107.22) for a proposed rear addition to a single family row dwelling which is a non-conforming structure in an R-4 District at the premises 3632 - 13th Street, N.W. (Square 2828, Lot 809).

HEARING DATE: February 20, 1980
DECISION DATE: March 5, 1980

FINDINGS OF FACT:

1. The subject property is located on the west side of 13th Street, N.W., between Otis Place and Spring Road, N.W. It is in an R-4 zone district at premises known as 3632 - 13th Street, N.W.
2. The site is presently improved with a two story and basement brick row dwelling.
3. The applicant proposes to add a two story and basement rear addition. The basement level of the addition will include two bedrooms, the first floor will contain a recreation room and an eating area adjacent to the kitchen, and the second floor will include a bedroom and one bath.
4. The subject site is approximately 2,125 square feet in area and measures 16.67 feet wide by 127.5 feet long.
5. The subject structure was built in 1908, prior to the adoption of the 1958 Zoning Regulations. The site is only 16.67 feet wide, which is less than the eighteen feet required for the R-4 zone. It also currently has an open court on the north side of the building which is 2.75 feet wide, less than the six feet required by the Regulations. It is thus a non-conforming structure.
6. The applicant proposes to continue the north wall of the rear addition along the 2.75 foot existing court. Thus, a variance of 3.25 feet or fifty-four percent is required for the open court adjacent to the addition.

7. The R-4 zone allows a maximum percentage of lot occupancy of sixty percent, or in this application 1, 275.26 square feet. The existing structure covers 991.87 square feet. The proposed addition is 366.74 square feet, for a total lot occupancy of 1,358.61 square feet. Thus a variance of 83.35 square feet or seven percent is required.

8. The application meets the requirements of the Zoning Regulations with respect to lot area and rear yard.

9. The subject block is developed with a line of row dwellings on both sides of the subject site. There are also a number of small apartment buildings in the immediate vicinity of the site. The area east of the site is developed predominantly with low density residential structures. It is zoned R-4. To the west is the 14th Street commercial corridor which is zoned C-2-A. There are a number of non-conforming uses scattered throughout the area.

10. The applicant testified that many of the surrounding residences currently have additions that extend the length of the proposed addition. The Board so finds.

11. There was a petition in support of the application from adjoining as well as surrounding residents.

12. The Office of Planning and Development by report dated January 28, 1980, and testimony at the time of public hearing, supported the application. The OPD reported that the structure was erected in 1908, prior to the adoption of the Zoning Regulations, and that the existing non-conformity as to lot width and open court was created when the regulations were applied to this lot. The OPD reported that, given the narrow width of the lot, the extension of the existing court as proposed is a reasonable solution. The OPD felt that the lot occupancy variance of seven percent was minimal, and will not result in overcrowding of the lot, nor adversely impact on adjoining properties. The Board so finds.

13. Advisory Neighborhood Commission 1A, by letter dated February 8, 1980, offered support for this application.

14. There was no opposition to the granting of this application.

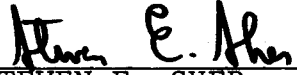
CONCLUSIONS OF LAW AND OPINION:

Based upon the foregoing Findings of Fact and the evidence of record, the Board concludes that the requested variances are area variances, the granting of which requires the showing of an exceptional situation or condition of the property which causes practical difficulty for the owner. The Board concludes that the narrow width of the lot, as well as the substandard open court which existed in 1908, prior to the adoption of the Zoning Regulations, creates such a difficulty. The applicant proposes to maintain the line of the existing open court, which allows for sufficient circulation of light and air. The Board is of the opinion that the requested variances can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zone Plan as embodied in the Zoning Regulations and Map. Accordingly, it is ORDERED that this application is hereby GRANTED.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Connie Fortune and Walter B. Lewis to grant; Leonard L. McCants not voting, not having heard the case).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

9 MAY 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH A PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.